

Exhibit 4

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South Carolina Legislature Hearings

Transcription of Audio File

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1 basis for the lines drawn, not post hoc.

2 So without -- for instance, we don't
3 have racially polarized data -- voting data,
4 we'll never meet the Section 2 analysis a
5 court would require. So I would move that
6 the staff --

7 SENATOR MATTHEWS: I have a
8 question -- I have a question as I did
9 before.

10 SENATOR HARPOOTLIAN: Yes, ma'am.

11 SENATOR MATTHEWS: And I guess I
12 should ask this of Mister -- of you, Mr.
13 Chair, and the attorneys that we have there,
14 Mr. Terreni and John. Has the staff produced
15 or been able to produce a memo in reference
16 to this particular voting rights issue that
17 Senator Harpootlian is referring to as it
18 relates block voting, as it relates to 1, 2,
19 and 3 of the Voting Rights Act? And if not,
20 can -- can be.

21 CHAIRMAN RANKIN: Mr. Terreni.

22 MR. TERRENI: Thank you, Mr. Chairman.
23 We do not have a racial block voting analysis
24 that has been conducted. And I don't know
25 that one would be productive at this time.

1 The -- the peril of doing an analysis
2 of that type upfront is that you might be
3 artificially setting yourself up to meet
4 certain racial targets where you don't need
5 to meet them.

6 My recommendation to the subcommittee
7 would be to go ahead and proceed with the
8 restricting following the guidelines,
9 traditional redistricting criteria. The
10 courts have said that race may be a factor
11 but not the predominant factor. And you
12 should -- you should heed to that.

13 And then once you have a plan that you
14 are considering to adopt, if needed at that
15 point, you could conduct a racial block
16 voting analysis if necessary.

17 It may be that you consider that
18 following the guidelines, you won't need one.
19 I don't know. We're not at that point.

20 But until you have districts analyzed,
21 I don't know if this going to be particularly
22 useful because the state is not a monolith.
23 And that was the issue in the Bethune-Hill
24 case that -- that Senator Harpootlian
25 referred to is at least at an arbitrary

1 target of 55 percent for their Congressional
2 Districts.

3 And actually, one district was upheld
4 and it was upheld without a racial block
5 voting analysis because it was informed. It
6 was informed on the -- on the basis of the --
7 of the incumbent who expressed an opinion as
8 to what was necessary for that incumbent --
9 the incumbent felt would be necessary to
10 elect a candidate of choice in his
11 minority/majority district.

12 Then also you had given the staff
13 evidence about communities of interest and so
14 forth. The error in Bethune-Hill was that
15 they took that incumbent's testimony and
16 extended it to everybody else. And so
17 respectfully, my advice would be, follow the
18 redistricting print guidelines, traditional
19 guidelines. Draw your districts as you see
20 fit. And then if we have a legal issue with
21 it, we can identify it before you adopt.

22 CHAIRMAN RANKIN: Senator, let me --
23 let me -- Senator Matthews, does that address
24 your question?

25 SENATOR MATTHEWS: Yes, I don't have a